

1                   A bill to be entitled  
2       An act relating to the Florida Workers' Compensation  
3       Joint Underwriting Association, Inc.; amending s.  
4       627.311, F.S.; requiring the Florida Workers'  
5       Compensation Joint Underwriting Association, Inc., to  
6       retain specified dividends and premiums for certain  
7       use; providing requirements for identifying former  
8       insureds and attempting notification of unclaimed  
9       funds; preserving rights to recovery notwithstanding  
10      general statute of limitations; providing definitions;  
11      and providing an effective date.

12  
13   Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Paragraph (h) of subsection (5) of section  
16   627.311, Florida Statutes, is amended to read:

17           627.311 Joint underwriters and joint reinsurers; public  
18   records and public meetings exemptions.—

19           (5)

20           (h) 1. Any premium or assessments collected by the plan  
21   in excess of the amount necessary to fund projected ultimate  
22   incurred losses and expenses of the plan and not paid to  
23   insureds of the plan in conjunction with loss prevention or  
24   dividend programs shall be retained by the plan for future use.

25           2. Any state funds received by the plan in excess of the

26 amount necessary to fund deficits in subplan D or any tier shall  
27 be returned to the state.

28 3. Any dividend or premium refund that cannot be paid to a  
29 former insured of the plan because the former insured cannot be  
30 located shall be retained by the plan as surplus, subject to the  
31 following conditions:

32 a. Within 12 months of the dividend or premium refund  
33 failing initial delivery, the plan must:

34 (I) Conduct a diligent search to locate the former  
35 insured.

36 (II) Notify the insurance agency on the policy of such  
37 dividend or premium refund. Notification of the insurance agency  
38 does not constitute notification of the former insured and does  
39 not make the insurance agency responsible for the dividend or  
40 premium refund.

41 (III) For unclaimed dividends or premium refunds valued at  
42 \$250 or more, make at least one active notification attempt  
43 after completing the diligent search.

44 b. The plan must publish and maintain a list of unclaimed  
45 dividends and premium refunds on the plan's Internet web site  
46 listing the name of the former insured and the amount of the  
47 dividend or premium refund owed.

48 c. Notwithstanding s. 95.11, a former insured with  
49 satisfactory proof may claim any such dividend or premium refund  
50 from the plan.

51        d. For the purposes of this subsection:

52        (I) "Diligent search" means the use of a reasonable and  
53 prudent method under particular circumstances to locate former  
54 insureds to whom a dividend or premium refund is owed using the  
55 taxpayer identification number or social security number, if  
56 known, which may include, but are not limited to, using a  
57 nationwide database, cross-indexing with other records related  
58 to the former insured, mailing to the last known address unless  
59 the last known address is known to be inaccurate, or engaging a  
60 licensed agency or company capable of conducting such search and  
61 providing updated addresses.

62        (II) "Active notification attempt" means to notify former  
63 insureds by any attempt to directly contact the former insured.  
64 Other means of notification, such as publication of the names of  
65 former insureds owed dividends or premium refunds in the  
66 newspaper, on television, on the Internet, or through other  
67 promotional efforts and items, in which the plan does not  
68 directly attempt to contact the owner are not active  
69 notification attempts.

70        Section 2. This act shall take effect July 1, 2019.